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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,787	12/20/2001	Michael Epstein	US 010674	4350

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EXAMINER

HUNG, YUBIN

ART UNIT PAPER NUMBER

2625

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,787

Applicant(s)

EPSTEIN, MICHAEL

Examiner

Yubin Hung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7-12 and 14-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 7-12 and 14-19 is/are allowed.
- 6) ☒ Claim(s) 20-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment/Arguments

1. This action is in response to amendment filed June 27, 2005, which has been entered.
2. Claims 4-6 and 13 have been canceled. Claims 1-3, 7-12 and 14-27 are still pending.
3. In view of Applicant's amendment, the objection to the specification has been withdrawn.
4. In view of Applicant's amendment, the 35 USC § 112 rejections have been withdrawn.
5. In view of Applicant's amendment and the corresponding argument (see page 14, 2nd paragraph of the response filed 6/27/05), the 35 USC § 103 rejections of claims 1-3, 7-12 and 14-16 have been withdrawn.
6. Applicant's argument regarding claims 20-27 (see page 14, 3rd paragraph through page 15, 1st paragraph of the response filed 07/02/04) has been fully considered but they are not persuasive; see below.

7. In remarks Applicant argued in substance:

- 7.1 (Regarding claim 20) *that Foote and Tan do not teach or suggest that "the different sizes of the information items facilitate a verification of the watermarked content material" (P. 14, last paragraph)*

Claim 20 is drawn to a medium containing watermarked segments, which are nonfunctional descriptive material and therefore are not patentable subject matter. See MPEP 2106 IV.B.1. Therefore the above argument has no bearing. As to the medium *per se*, as pointed out in the rejection of claims 20-25, the well-known and widely used CD-ROM can be used to store such data.

- 7.2 *that claims 21-27 should also be allowed based on their dependence from claim 20 (P. 15, 1st paragraph)*

Claims 21-25 are similarly analyzed and rejected as per claim 20. Claims 26 and 27 do not depend from claim 20; therefore the argument is not valid and the rejections are maintained.

Allowable Subject Matter

8. Claims 1-3, 7-12 and 14-19 are allowed.

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9. The following is a statement of reasons for the indication of allowable subject matter:

10. Regarding independent claim 17, and similarly amended independent claims 1 and 11, the prior art of record fails to teach or suggest, alone or in combination, a security system comprising, along with other limitations

- an authorization device, operably coupled to the watermark detector, that is configured to determine an authorization of the watermarked segment, based on the information item and based on the size of the information item

Closest art of record such as Arcot et al. (EP 0644474A1) discloses a method that utilizes medium non-uniformities to minimize unauthorized duplication of digital information. However, it does not use the size of the information item for such a purpose.

Conclusion and Contact Information

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yubin Hung whose telephone number is (571) 272-7451. The examiner can normally be reached on 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yubin Hung
Patent Examiner
August 19, 2005


KANISHK PATEL
PRIMARY EXAMINER